Motion for Adjournment for Purposes of Debate.

President.—Now, let us consider the request of Mr. C. A. Kunjunni Raja to move for an adjournment of the House for the purpose of considering a matter of urgent public importance, and in connection therewith, I would like to ask Mr. Raja what the urgency of the matter is.

Mr. C. A. Kunjunni Raja.—The cultivators are able to pay assessment with great difficulty, and the amount is borrowed at exhorbitant rates of interest, and they have still to pay the same high rates of interest. Unless some definite orders are issued in this matter, their condition is very irksome. That is the urgency of the matter.

President.—So it is in the question of refund that the urgency lies. I think the money is safe in the hands of the Government.

Mr. C. A. Kunjunni Raja.—But the agriculturists are suffering from the payment of exhorbitant rates of interest. That is the urgency of the matter.

President.—I am not satisfied that the motion for adjournment requested for by Mr. C. A. Kunjunni Raja relates to a very urgent matter of public importance, and I do not, therefore, think that the discussion of the matter will be in order, and therefore, I am unable to give my consent for the adjournment.

The next item of business is the moving of additional allotments under Land Revenue by the Diwan Peishkar.

Demand for Supplementary Grant—Land Revenue.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.— Sir, I beg to move that the House be pleased to vote for a supplementary grant of Rs. 2,041 under "Leave Allowance" under the following heads:—

Diwan Peishkar's establishment.	Rs. 198
Tahsildars' establishment. ...	1,000
Village establishment.	843
	Rs. 2,041

The total grant made under I—Land Revenue—Leave Allowances—under all heads in the budget estimate of 1101 was Rs. 8,187. The House need hardly be told that this is an item of charge, the very nature of which is such that the actual amount required is not capable of forecasting with any decree of accuracy at the time of preparation of the budget estimate in the eighth month of the preceding year, as particulars of officers applying for leave in a year cannot be known beforehand.

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It was not usual in former years to allot specific amounts in the budget estimate under "Leave Allowances". For the first time, in the budget estimate of the current year an amount equal to five per cent of the allotment under establishment charges was made under "Leave Allowances" in accordance with the general instructions issued by the Government on the recommendation of the Finance Member. The proportion of 5 per cent was fixed only as an approximate estimate so as to minimise the dislocation of the budget by the provision being exceeded for want of provision under "Leave Allowances". As the year progressed, it was found that the allotment already made was not enough to meet the leave allowances of officers of all classes, clerks, Village Officers, peons and others who had to be granted leave they were eligible for under the provisions of *the Cochin Service Regulations*. Several Members of the House expressed during the last two days, in eloquent terms, their solicitude for the welfare of the subordinate rank of the service, and I trust any idea that the grant of leave to these officers should be confined to the 5 per cent provision made in the budget estimate will not for a moment be entertained. During the first seven months of the year, a sum of Rs. 5,884 had been expended as leave allowances:—

			Rs.
Leave allowance of salaried officers			833
Do	Diwan Peishkar's Office establishment		214
Do.	Taluk	do	1,974
Do	Village	do	2,863
			5,884

The grant of Rs. 8,187 already made has been found to be insufficient. On the basis of the actuals of the first seven months, a sum of Rs. 10,775 will be required in all under "Leave Allowances". The additional allotment which this involves is Rs. 2,588. Out of this, a sum of Rs. 59 can be met from the allotment under other minor heads by transfer. Thus, the additional allotment required, is Rs. 2,529, of which a sum of Rs. 488 comes under the head "Salaried Officers", for which the vote of the House is not necessary under the rules, and the balance of Rs. 2,041 relates to the leave of subordinate officers of all ranks, which I move the House will be pleased to vote unanimously.

President.—Have we to place it before the Council?

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Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—That 488 rupees will have to be placed under section 16 (9) of the Cochin Legislative Council Regulation.

Mr. A. B. Salem.—A point of order, Sir. Under section 16 (2) of the Regulation, "The Council may deal with the budget subject to such conditions and restrictions as to subject and other matters as may be imposed by our Government by rules made under this Regulation."

Does it follow that the whole budget is before us for discussion?

President.—Of course, we have to observe the rules also.

Mr. A. B. Salem.—For any subject that cannot be discussed there will be a rule, and wherever there is no restriction we could be at liberty to discuss. The restrictions are in section 11 of the Regulation. Rule 50 restricts only that "No motion for appropriation shall be made except on the recommendation of the Government." So that any expenditure cannot be proposed by the Members of this Council except appropriation. Everything else we can discuss. That is all. Then, Sir, I have no complaint. Receipts can also be discussed. Otherwise, why should they be published and placed before the House?

President.—There are rules relating to the discussion of the budget.

Mr. A. B. Salem.—I have read all these rules. There is no restriction with regard to the receipts. Usually, appropriations shall be made on the recommendations of the Government. All that relates to the manner in which appropriations shall be made.

President.—Rules may necessarily imply a particular thing or may express some particular thing. But we have to construe them both for the purpose of knowing what they definitely state and for the purpose of knowing what they necessarily imply, though not expressly stated; the Regulation says that the Government should place both the receipts and expenditure before the Council. So there is no point in your saying that the revenue should not be placed.

Mr. A. B. Salem.—I only wanted to point out that you have not included the revenue in the budget.

President.—Rule 46. "A separate demand shall ordinarily be made in respect of the grant proposed for each department of the Government, provided that the Finance Member may, in his discretion, include in one demand grants proposed for two or more departments or make a demand in respect of expenditure which cannot readily be classified under particular departments.

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Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—The rules are quite clear, Sir.

President.—I want to satisfy Mr. Salem that his position is not sound. If he will be convinced, well and good. The budget shall be dealt with thus—first, the general discussion, and secondly, the voting of the demands for grants. These are the two things contemplated. Where is the scope for receipts?

Mr. A. B. Salem.—Has the Government power to waste so much money?

President.—So when you say "voting of demands for grants," does it include also "demands for receipts"? I don't know how you put such a construction on it.

Mr. A. B. Salem.—In England any taxation cannot be imposed without the consent of Parliament. Taxes levied on tea are increased by two pence and three pence so that the demand may be met, and the grant is allotted. That is the Parliamentary procedure. In the Imperial Legislative Assembly, the Government introduced proposals to raise the salt tax to 1-8-0, and the Assembly would consent only to a tax of 8 annas. And the Viceroy had to interfere and fix the tax at one rupee. This shows that the consent of the Assembly had first to be obtained for imposing a tax on the people.

President.—And in the Provincial Council?

Mr. A. B. Salem.—Ditto. They are all well settled things. So that I should understand "the voting of demands for grants" to be not only the voting of demands for grants of expenditure but also for grant of receipts.

President.—Rule 47 makes it clear that the budget should be dealt with only in respect of expenditure and not in respect of receipts.

Mr. C. Achyuta Menon.—If the Government proposes new taxes, can we discuss them? If we want to increase the taxation or to levy a fresh tax, it must be according to the Rules issued by the Government under Regulations which empower them to raise taxes.

Mr. A. B. Salem.—Then, what is our presence here for?

Mr. A. Sankara Puduval.—Certainly, we are entitled to discuss that.

Mr. A. B. Salem.—We are powerless here. I raised this point only to know where we stand.

Mr. C. Achyuta Menon.—Personally, I think that in some cases the approval of the House is necessary, for example, in the matter of levying income tax. A new Bill has to be brought in, if it is for the enhancement of the Settlement rate, though the Government can do it without reference to the House.

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Mr. A. B. Salem.—What about the educational cess?

President.—I think it is only the Legislature that can impose new taxes; is it not?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Ordinarily, only by a Legislature can new taxes be imposed.

Mr. A. B. Salem.—You have got that power now—that extraordinary power. A Press Regulation was passed in Travancore the other day. A new tax can be imposed upon the people. It is a matter of very great importance. Therefore is it that I say that receipts can be discussed. It was in order to bring in these points that I raised these questions.

President.—What I want to point out is that receipts cannot be discussed during the discussion stage. All these taxes will have to be imposed only by the Legislature, in which case the vote of the House in ordinary circumstances will be necessary.

Mr. A. B. Salem.—But so far as the budget discussion is concerned, I think it is not necessary. If the people are groaning under taxes, we cannot ask for relief. It is a futile procedure, to my mind. I am pointing out the case of the poor people who are groaning under these licensing fees which, from four *puthans* before, is now raised to Rs. 4.

President.—But is it a matter prescribed by the Regulation?

Mr. A. B. Salem.—No.

Rao Sahib Mr. T V. Kasturi Ranga Ayyar.—Yes, Sir.

Mr. A. B. Salem.—But the rate can be fixed—a higher or lower rate—and it is within the discretion of the Government.

President.—All that is sanctioned by law.

Mr. A. B. Salem.—I know the Fishery Regulation. The maximum rates are there, and it is left to the Government to fix and impose them.

President.—That Regulation itself gives the power to the Government to fix the rate. Instead of your calling it a Regulation, we give it a grand designation, and call it in legal language a "subordinate legislation". Both the Rules made under the Regulation and the Regulations are not subordinate legislation. They have got the same force.

Mr. O. R. Chummar.—Now, it is open to this Council to refuse it. For instance, we can refuse the salary to the Parvattiakkarans. Now, if the Government is of opinion that the Land Revenue should not be collected at all, we can refuse to sanction their salaries. In that case, in voting the demand for grant, we should discuss the merits of the revenue without receipts. Is it not allowed?

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President.—And so what is your point?

Mr. O. R Chummar.—I want to refuse to sanction the salary of the Parvattiakkarans on the ground that the Land Revenue should not be collected—not that the House will refuse to collect. It may be taken as an instance that the excess in the Land Revenue should not be collected on the ground that we should refuse to pay certain officers who are engaged in collecting it. Just because that such and such revenue should not be collected, so we refuse to sanction the salary of the officers employed in collecting that revenue. It is competent for us to doso.

President.—Your argument is against what Mr. Salem says? That is, you go with him or against him?

Mr. O. R. Chummar.—I do not mind whether I go with him or against him.

President.—I can clearly understand your position, if you say that you agree with him or not.

Mr. O. R. Chummar.—I agree with him in this respect, that we can discuss the merits of the revenue or the receipts in connection with the voting of demands for grants—not separately.

President.—I do not put the motion to vote, that is all. You may discuss the expenditure, which you have a right to discuss under the rules, but I will not put the receipts to the House nor will I say that a motion in respect of an item of receipts could be made nor that the vote of the Council should be granted for revenues.

Now, we will proceed to the voting of demands for grants in the order in which they are set forth in the budget and discuss the cut motions that we have received.

Mr. S. S. Koder.—The Diwan Peishkar requests for a grant.

President.—We must proceed with it first. Now, what is the motion?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It is for a supplementary grant for Rs. 2,041.

President.—Any member wishing to say anything on this motion?

There was none. The question of granting an additional allotment of Rs. 2,041 for "Leave Allowance" under I—"Land Revenue" was put to votes and carried *nem con.*

Mr. O. R. Chummar.—But it is not opposed.

Mr. C. Achyuta Menon.—What is the necessity for taking votes?

Mr. O. R. Chummar.—Under the rule, if there is no opposition, it need not be put to the vote. In this case it was not seconded

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President.—No seconding is necessary.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—We ask and you give.

President.—The motion for demand was not opposed, and under that circumstance, what should we say of it? The motion was "carried" or the demand "granted"?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It is granted.

President.—The demand is hence granted.

I think we can proceed with the "Voting of Demands for Grants."

VOTING OF DEMANDS FOR GRANTS.

Before proceeding with the consideration of the business, namely, the Voting of Demands for Grants, I would like to point out that we have received a large number of cut motions, and it is desirable that all these cut motions are considered within the period of seven days allotted for them. I do not find that the Council law says anything about the time-limit in regard to the speeches of the members in connection with these several motions. In order that we may economise time, I think it is desirable to put a time-limit to the speech, and I have considered the question, and I shall be glad to have an opportunity to know the views of the members here.

To me it seems that ten minutes for the mover and for the officer in charge—the official member in charge of the department—will be sufficient. For the other members who wish to take part in the discussion, a period of 5 minutes each will be sufficient. I wish to know whether this is not a reasonable limit for carrying on the discussion on the subject.

Of course, for the general discussion, you may take the 20 minutes allotted. The Regulation says that nobody has the right to take more than 20 minutes except the Finance Member.

Dr. A. R. Menon.—Sir, it all depends upon the nature of the question. Sometimes it may involve a policy, and it may be necessary in a number of cases to show irregularities on the part of the Government. In a case like that, it would not be possible to finish in 5 minutes. And even under general discussion, whether it involves 200 lakhs or 2,000 crores, the principles involved in the budget and the criticisms necessary are one and the same. I am sure that within the 20 minutes allowed, nobody can do his duty adequately, unless the whole speech is written down and brought here, and as it happens, all the members have written the same—almost the same—thing, a proper discussion becomes impossible.

I fail to see, Sir, how we can do adequate justice within this limited time, at least for two or three years, till the Government is

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